



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Tagg *et al.*  
Serial No. : 09/913,763  
Filed : August 17, 2001  
For : LANTIBIOTIC  
Art Unit : 1651  
Examiner : Michael V. Meller

745 Fifth Avenue, New York, NY 10151

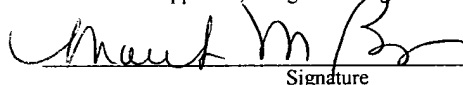
**EXPEDITED PROCEDURE**  
**RESPONSE AFTER FINAL ACTION**  
**UNDER 37 C.F.R. 1.116**

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Marilyn Matthes Brogan, Reg. No. 31,223

\_\_\_\_\_  
Name of Applicant, Assignee or Registered Representative

  
\_\_\_\_\_  
Signature

December 3, 2003

\_\_\_\_\_  
Date of Signature

**NOTICE OF APPEAL**

Commissioner for Patents  
**Mail Stop AF**  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the final Office Action dated June 3, 2003, rejecting claims 1, 2, 4-23 and 27-40. A check for \$165.00 in payment of the fee required by 35 U.S.C. §41(a)(6) and 37 C.F.R. § 1.17(b) is enclosed. Please note that Applicant is a small entity. The Commissioner is authorized to charge any additional payment occasioned by this paper, or credit any overpayment, to Deposit Account No. 50-0320.

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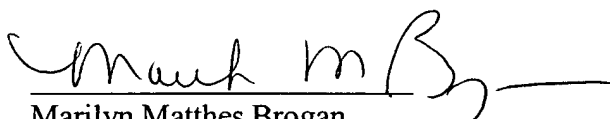
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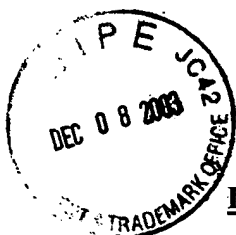
165.00 DP

This Notice is being filed in triplicate, together with a Petition for Extension of Time.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:   
Marilyn Matthes Brogan  
Reg. No. 31,223  
(212) 588-0800



PATENT  
512585-2001

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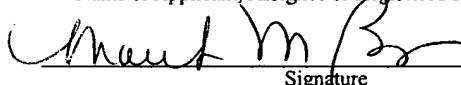
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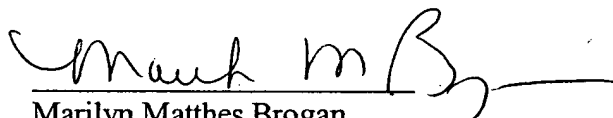
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FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:

A handwritten signature in cursive script, appearing to read "Marilyn Matthes Brogan", followed by a horizontal line.

Marilyn Matthes Brogan  
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